

EXHIBIT 7

(Redacted)

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA**

SONY MUSIC ENTERTAINMENT, *et al.*,

Plaintiffs,

v.

COX COMMUNICATIONS, INC., *et al.*,

Defendants.

Case No. 1:18-cv-00950-LO-JFA

DECLARATION OF GEORGE P. MCCABE

I, George P. McCabe, hereby declare pursuant to 28 U.S.C. § 1746 that the following statements are true and correct to the best of my personal knowledge and belief:

Introduction

1. I am a professor of Statistics at Purdue University, where I have been a faculty member since 1970. I am an applied statistician with decades of experience designing studies, analyzing data, and interpreting the results of statistical analyses. I have personal knowledge of the facts set forth herein and, if necessary, I would and could competently testify thereto if called as a witness in this matter. I submit this declaration in support of Plaintiffs' Motion for Summary Judgment.

2. From 1970 until 2006, I was the Director of the Statistical Consulting Service at Purdue where I advised thousands of university clients on the appropriate use of statistical methods. I have coauthored statistics texts that are widely used, with translations in Dutch, Chinese, Portuguese, Vietnamese, and Japanese. I am an elected Fellow of the American Statistical Association (ASA) and the American Association for the Advancement of Science

(AAAS). I have also served on several Institute of Medicine (IOM) committees and was elected Chair of the Statistical Consulting Section of the ASA. I received a B.S. in Mathematics from Providence College in 1966 and a Ph.D. in Mathematical Statistics from Columbia University in 1970. For further information on my background, my curriculum vitae is attached as Appendix 1.

3. I have been retained on behalf of Plaintiffs in this case. For my assignment, I was asked to analyze a number of related data sources pertaining to copyright infringement notices sent to Cox Communications, Inc. (“Cox”) to confirm that all of the works in suit were the subject of infringing activity reported in notices sent concerning specific Cox subscribers already cited in at least two prior notices.

4. I am being compensated in this matter at the rate of \$450 per hour for my time. My compensation is not contingent on my findings, testimony rendered, or the outcome of this litigation. Analysis Group provided support in this matter, at my direction.

Summary of Findings¹

5. In connection with my work on this matter, I reviewed a variety of documents, data sets, declarations, and testimony. The key data sources I analyzed include those described in Appendix 2 attached hereto. The methodology I employed is described in Appendix 3 attached hereto. The data sources and methodology are sufficient to reproduce my findings.

6. By way of background to my findings, upon receipt of Plaintiffs’ infringement notices from MarkMonitor, as well as infringement notices from other rightsholders, Cox’s Abuse Tracking System (“CATS”) automatically [REDACTED]

[REDACTED]

¹ I understand the background facts described in paragraphs 6 from Cox documents and deposition testimony provided to me in this case.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

7. The data I have reviewed reflect that all of the 7,031 sound recordings and 3,402 musical compositions in this case were the subject of Plaintiffs' infringement notices to Cox during the claim period concerning specific Cox subscribers already identified to Cox in at least two prior infringement notices.

8. The data I have reviewed reflect that of the 57,600² unique Cox subscribers that were the subject of tickets as a result of Plaintiffs' infringement notices between February 1, 2013 and November 26, 2014 (inclusive of those beginning and ending dates, the "Claim Period"):

- [REDACTED] are residential subscribers and [REDACTED] are business subscribers.
- [REDACTED] have at least one ticket before the beginning of the Claim Period.³
- At least [REDACTED] received at least one ticket on behalf of an entity other than the Plaintiffs during the Claim Period.

² Excluded from this analysis are 79 additional Cox subscribers identified from Plaintiffs' notices for whom Cox did not provide corresponding ticket data.

³ Cox did not provide ticket data for dates preceding January 1, 2012. As a result, the percentage of Cox subscribers who have at least one ticket before the beginning of the Claim period only considers tickets dating back to January 1, 2012.

9. The data I have reviewed reflect that of the Cox subscribers that were the subject of Plaintiffs' infringement notices during the Claim Period:

- [REDACTED] Cox subscribers were the subject of 3 or more copyright abuse tickets
- [REDACTED] Cox subscribers were the subject of 6 or more copyright abuse tickets
- [REDACTED] Cox subscribers were the subject of 10 or more copyright abuse tickets
- [REDACTED] Cox subscribers were the subject of 13 or more copyright abuse tickets
- [REDACTED] Cox subscribers were the subject of 14 or more copyright abuse tickets

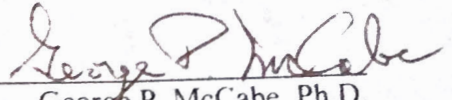
Comparison to Cox's Findings

10. Mr. Christian Tregillis prepared reports on behalf of Cox containing opinions on the extent to which notices regarding infringement by Cox subscribers pertain to the works in suit. His initial report is dated April 10, 2019. His supplemental/rebuttal report is dated May 15, 2019. His reply report is dated June 13, 2019. I have reviewed Mr. Tregillis's work, as described in his reports and deposition in this case, related to matching of the works in suit to Plaintiffs' infringement notices to Cox.

11. Mr. Tregillis and I are in agreement that the Plaintiffs' notices support the overwhelming majority of the works in suit. I was able to match all of the works in suit to infringement notices. Mr. Tregillis found a match for over 95% of the works in suit and I understand he was continuing his analysis for the rest.

12. It appears the reason that Mr. Tregillis failed to find infringement notices supporting some works in suit is principally, if not entirely, because he cast aside thousands of notices from his analysis. Specifically, he excluded (a) notices from other rights owners; (b) notices prior to the claim period; and (c) notices not involving any of the works in suit. He excluded those notices even though they pertained to the same subscribers that were the subject of

Plaintiffs' notices. I included those notices in my analysis because Cox's receipt of notices reporting infringement by its subscribers was not limited to the Plaintiffs' notices, the Claim Period, or the works in suit. By considering the notices that Mr. Tregillis excluded, I identified repeat infringers earlier in time and in greater numbers, providing a more complete analysis of the works in suit infringed by those subscribers.


George P. McCabe, Ph.D.
August 26, 2019

APPENDIX 1 – CURRICULUM VITAE

03/2019

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Mathematical Sciences Building
150 N University Street
West Lafayette, IN 47907-2067

Education

B.S.	Providence College (Mathematics)	1966
Ph.D.	Columbia University (Mathematical Statistics)	1970

Accreditation

ACCREDITED PROFESSIONAL STATISTICIAN™ (PSTAT®) 2011

Professional Experience

Assistant Professor of Statistics, Purdue University 1970-1975
Associate Professor of Statistics, Purdue University 1975-1983
Professor of Statistics, Purdue University 1983-present
Director of Statistical Consulting, Purdue University 1970-2004
Associate Dean for Academic Affairs, College of Science, Purdue University 2004- 2018
Purdue Representative to the Design and Biostatistics Program, Indiana Clinical and Translational Research Institute, Purdue University 2008- present
Adjunct Professor, Clinical Research Facility, National University of Ireland, Galway, Ireland 2009-present

Visiting and Temporary Positions

Summer Student Program, Jackson Laboratory, Bar Harbor, Maine, Summer 1964
Summer Student Program, Worcester Foundation for Experimental Biology, Worcester, Massachusetts, Summer 1966
Programmer, Brookhaven National Laboratory, Upton, New York, Summer 1966
Programmer, Texas Gulf Sulphur Company, New York, New York, Summer 1967
Statistician, TRW Aerospace, Redondo Beach, California, Summer 1968
Visiting Associate Professor of Statistics, Princeton University, 1976-1977
Visiting Researcher and Consultant, Commonwealth Scientific and Industrial Research Organization (CSIRO), Melbourne, Australia, Jan-Feb, 1985
Visiting Professor of Statistics, University of Berne, Berne, Switzerland, Apr-May, 1985
Guest Researcher, Statistical Engineering Division of the Computing and Applied Mathematics Laboratory, National Institute of Standards and Technology, Boulder, Colorado, Jan-June, 1993
Visitor, Mathematics Department, National University of Ireland – Galway, Galway, Ireland, Aug-Dec 2002

Professional Activities

Mentor - Purdue AIM Summer Research Program for Undergraduate Minority Students - 1988
 Statistical Design Consultant, *Augmentative and Alternative Communication* - 1987-1993
 Associate Editor, *Technometrics* - 1978-1986
 Associate Editor, *Computational Statistics and Data Analysis* - 1982-2004
 Chairman, Statistical Education Section Contributed Paper Awards - 1978 Program Chair,
 Statistical Education Section of ASA for 1982 Annual Meeting
 School of Veterinary Medicine Research Advisory Board - 1990- 1994
 Management Committee, *Journal of Educational and Behavioral Statistics* - 1996-1998,
 Chair, 1999-2000
 External appraiser, Health and Welfare Canada, Health and Social Programs Branch –
 1994-1995
 External Review Committee for the University of Texas at Dallas Mathematical Sciences
 Program - January 1997
 Section on Statistical Consulting, American Statistical Association - Chair-elect 1997,
 Chair 1998
 Committee Member, Institute of Medicine's Committee on International Nutrition –
 September 1996 - June 1997
 External Review Committee for Iowa State University Department of Statistics – October 1998
 Data Monitoring Board for National Health Survey of Gulf War Veterans and their families,
 Phase III - 1998-2001
 External Review Committee for the University of Michigan Center for Statistical
 Consultation and Research (CSCAR) - January 2001
 Workshop on "Malnutrition and the Global Burden of Disease", Johns Hopkins
 University - July 2000
 International Vitamin A Consultative Group (IVACG) XX Meeting, Hanoi, Vietnam
 (participant and results of joint work were presented) - February 2001
 International Nutritional Anemia Consultative Group (INACG) Symposium, Hanoi,
 Vietnam (participant and results of joint work were presented) - February 2001
 Committee Member, Institute of Medicine, Committee on the Use of Dietary Reference
 Intakes in Nutrition Labeling - 2001-2003
 Data Monitoring Board for Veterans Administration Study CSP # 468 "A Comparison
 of Best Medical Therapy and Deep Brain Stimulation of Subthalamic Nucleus and
 Globus Pallidus for the Treatment of Parkinson's Disease" - 2002-2007
 External Review Committee for Statistics at Arizona State University - 2003
 Data Monitoring Board for Veterans Administration Study A Randomized, Double-
 Blind, Placebo Controlled Trial of Intravenous Zoledronic Acid to Prevent
 Osteoporosis in Men Undergoing Androgen Deprivation Therapy in the VA
 Population" - 2004-2007
 Member, Deming Lectureship Committee of the American Statistical Association –
 2007-2010
 Review of proposed MS program in statistics at South Dakota State University for the South
 Dakota Board of Regents - 2007
 Committee Member, Institute of Medicine, Committee on Nutrition Standards for
 National School Lunch and Breakfast Programs - 2008-2010

Advisory Member, Committee on Student Pro Bono Statistics of the American Statistical Association – 2009
 Committee Member, American Statistical Association Business and Economics Section Student Travel Award Committee – 2009-2010
 Data Monitoring Board for Veterans Administration Study CSP # 468F "Long term study of deep brain stimulation for the treatment of Parkinson's disease" - 2009-2013
 Regents Review Committee for the Department of Mathematics and Statistics, Utah State University, Logan, UT, March 2010
 External resource person for the WHO Nutrition Guidance Expert Advisory Group (NUGAG) Monitoring and Evaluation Subgroup Meeting on Guidelines for the Assessment of Vitamin A and Iron Status in Populations, PAHO, Panama City, Panama, 15-17 September 2010

Professional Societies and Honors

American Statistical Association, Fellow, 1993
 American Association for the Advancement of Science, Fellow 2009
 Institute of Mathematical Statistics
 American Society for Quality, Senior Member 2006
 Sigma Xi
 New York Academy of Sciences
 Biometric Society
 International Association for Statistical Computing
 Mu Sigma Rho: The National Statistics Honorary Society, President 2011-2013
 ASA San Antonio Chapter 2012 Don Owen Award for Outstanding Contributions to Statistical Research, Applications, and Teaching
 Purdue College of Science Graduate Student Mentoring Award, 2016

Research Interests

Applied Statistics
 Biostatistics
 Statistical Computing
 Statistics and the Law

Books

Moore, David S. and McCabe, George P., *Introduction to the Practice of Statistics*, W. H. Freeman (1989); second edition (1993); third edition (1999); fourth edition (2003), fifth edition (2006).
 Moore, David S., McCabe, George P., and Craig, Bruce *Introduction to the Practice of Statistics*, W. H. Freeman, sixth edition (2008), seventh edition (2012), eighth edition (2014), ninth edition (2017).
 Moore, David S., McCabe, George P., and Craig, Bruce *Exploring the Practice of Statistics*, W. H. Freeman, (2014).
 Moore, David S., McCabe, George P., Duckworth, William M. and Sclove, Stanley L., *The Practice of Business Statistics*, W. H. Freeman (2003).
 Moore, David S., McCabe, George P., Duckworth, William M. and Alwan, Layth C., *The Practice of Business Statistics*, W. H. Freeman, second edition (2008).

Moore, David S., McCabe, George P., Alwan, Layth C., Craig, Bruce, and Duckworth, William M. *The Practice of Statistics for Business and Economics*, W. H. Freeman, third edition (2011).
 Moore, David S., McCabe, George P., Alwan, Layth C., and Craig, Bruce A. *The Practice of Statistics for Business and Economics*, W. H. Freeman, fourth edition (2016).
 Chinese translation of *The Practice of Business Statistics*, Haw-Tai Publishing Company (2003).
 Japanese translation of *The Practice of Business Statistics*, Chapters 1-3, The English Agency (Japan) Ltd., (2005).
Prática Da Estatística Empresarial, (2006), Portuguese translation of *The Practice of Business Statistics*.
Introdução à Prática Da Estatística ,(2002), Portuguese translation of *Introduction to the Practice of Statistics*.
Statistiek in de Praktijk , Academic Service (1994), Dutch translation of *Introduction to the Practice of Statistics*; translation of the third edition (2001).
Thuc Hanh Thong Ke, (2010), Vietnamese translation of *Introduction to the Practice of Statistics*.
 Yates, Dan, Moore, David S. and McCabe, George P., *The Practice of Statistics*, Freeman (1999).

Publications

1. McCabe, G. P. Some problems in sequential discrimination. (1970) Ph.D. Dissertation, Columbia University (Advisor: H. Robbins).
2. McCabe, G. P. Sequential estimation of a Poisson integer mean. (1972) *Annals of Mathematical Statistics*. 43:803-813.
3. McCabe, G. P. Estimation of the number of terms in a sum. (1973) *Journal of the American Statistical Association* 68:452-456.
4. McCabe, G. P. Sequential estimation of a restricted mean parameter of an exponential family. (1974). *Annals Institute of Statistical Mathematics* 26:103-115.
5. Arvesen, J. N. and McCabe, G. P. A subset selection procedure for regression variables. (1974) *Journal of Statistical Computation and Simulation* 3:137-146.
6. McCabe, G. P. Review of *Introduction to Statistics with Fortran* by Allan Kirch. (1974) *Journal of the American Statistical Association* 69:1045.
7. Salvendy, G. and McCabe, G. P. Marijuana and human performance (1975) *Human Factors*, 17:229-35; Marijuana and human productivity (1973) *Proceedings of the 17th Annual Conference of the Human Factors Society*.
8. Arvesen, J. N. and McCabe, G. P. Subset selection problems for variances with applications to regression analysis. (1975) *Journal of the American Statistical Association* 70:166-170.
9. McCabe, G. P. Computations for variable selection in discriminant analysis. (1975). *Technometrics* 17:103-109.
10. Ross, M. A. McCabe, G. P. A stepwise algorithm for selecting regression variables using cost criteria. (1975). *Proceedings of Computer Science and Statistics: 8th Annual Symposium on the Interface*, 228-232.
11. Arvesen, J. N. and McCabe, G. P. Variable selection in regression analysis. (1975) *Proceedings of the University of Kentucky Conference on Regression with a Large Number of Predictor Variables*, 136-148.

12. Ross, M. A. and McCabe, G. P. A comment on Pohlmann's algorithm for subset selection in multiple regression analysis. (1975) *Multiple Linear Regression Viewpoints* 5:11-15.
13. Rubin, H. and McCabe, G. P. Estimates of ultimate recoverable oil and gas in the United States. (1975). Report prepared for the Federal Energy Administration, included in their interim report to Congress.
14. McCabe, G. P. Review of *Numerical Taxonomy: The Principles and Practice of Numerical Classification* by P. H. A. Sneath and R. P. Sokal. (1975) *Journal of the American Statistical Association* 70:962.
15. Anderson, V. L. and McCabe, G. P. Sex discrimination in faculty salaries: a method for detection and correction. (1976) *Proceedings of 1976 Social Statistics Section of the American Statistical Association* 589-92.
16. McCabe, G. P. Review of *Sequential statistical Procedures* by Z. Govindarajulu. (1976) *Journal of the American Statistical Association*, 71:530.
17. Salvendy, G. and McCabe, G. P. Auditing standards by sample. (1976) *Industrial Engineering* 8:25-29. Reprinted in *Work Measurement Principles and Practice*, R. L. Shell, ed. (1986) Institute of Industrial Engineers; 277-281.
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20. McCabe, G. P. Evaluation of regression coefficient estimates using alpha-acceptability. (1978) *Technometrics* 20:131-39.
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22. McCabe, G. P. Small sample results for the 27% rule. (1978) *Proceedings of the 1978 Social Statistics Section of the American Statistical Association* 770-71.
23. McCabe, G. P. Review of *Exploratory Data Analysis* by John W. Tukey. (1979) *Journal of Quality Control* 11:103-4.
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26. Salvendy, G., McCabe, G. P., Suominen, S. and Basila, B. Non-work related movements in machine-paced and self-paced work. (1979) *Proceedings of the Human Factors Society - 23rd Annual Meeting - 1979*, 149-152.
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28. McCabe, G. P. Use of the 27% rule in experimental design. (1980) *Communications in Statistics* A9: 765-76.
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32. Yarber, W. L. and McCabe, G. P. Teacher characteristics and inclusion of sex education topics in grades 6-8 and 9-11. (1981) *The Journal of School Health* 51:288-291.
33. McCabe, G. P. Statistical Consulting: reaction and comments. (1982) *Proceedings of the Ohio State Conference on Teaching of Statistics and Statistical Consulting*. ed. Rustagi, J. S. and Wolfe, D. A., Academic Press, 371-374.
34. Wilson M. D., G. A., McDonald, M.D., C. J. and McCabe, G. P. The effect of immediate access to a computerized medical record on physician test ordering: a controlled clinical trial in the emergency room. (1982) *American Journal of Public Health* 72:698-702.
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39. McDonald, C. J., Hui, S. L., Smith, D. M., Tierney, W. M., Cohen, S. J., Weinberger, M. and McCabe, G. P. Reminders from an introspective medical record: a two-year randomized trial. (1984) *Annals of Internal Medicine* 100:130-138.
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41. Campbell, P. F. and McCabe, G. P. Predicting the success of freshmen in a computer science major. (1984) *Communications of the ACM* 27:1108-1113.
42. Yarber, W. L. and McCabe, G. P. Importance of sex education topics: correlates with teacher characteristics and inclusion of topics in instruction. (1984) *Health Education* 15:36-41.
43. Lo, Y-K T. and McCabe, G. P. Statistical characterizations of Indiana soil properties. (1984) in *Probabilistic Characterization of Soil Properties: Bridge Between Theory and Practice*, ed. D. S. Bowles and H-Y Ko, American Society of Civil Engineers.
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45. Tierney, W. M., McDonald, C. J. and McCabe, G. P. Serum potassium testing in diuretic-treated outpatients: a multivariate approach. (1985) *Medical Decision Making* 5(1):89-104.
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55. Review of *Volume 12: How to Choose the Proper Sample Size* by Gary G. Brush. (1989) *Journal of Quality Technology* 21:222.
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57. Goonewardene, H. F., Pliego, G., McCabe, G. P., P. H. Howard, P. H. and Oliver, P. J. Control of arthropods on apple selections with scab (ascomycetes: mycosphaerellacea) and European red mite (acar: tetranychidae) resistance. (1990) *Journal of Economic Entomology*, 83(1):180-188.
58. McCullough, A., Kirksey, A., Wachs, T., McCabe, G., Bassily, N., Bishry, Z., Galal, O., Harrison, G. and Jerome, N. Vitamin B6 status of Egyptian mothers: relation to infant behavior and maternal infant interaction, (1990) *American Journal of Clinical Nutrition*, 51:1067-1074.
59. Zimmerman, N., Eberts, C. G., Salvendy, G. and McCabe, G. P. Effects of respirators on performance of cognitive, psychomotor and physical tasks. (1991) *Ergonomics* 34(3):321-334.
60. Franz, E. A., Zelaznik, H. N. and McCabe, G. P. Spatial topological constraints in a bimanual task. (1991) *Acta Psychologica*, 77:137-151.
61. Kirksey, A., Rahmanifar, A., Wachs, T. D., McCabe, G. P., Bassily, N. S., Bishry, Z., Galal, O. M., Harrison, G. G. and Jerome, N. W. Determinants of pregnancy outcome and newborn behavior of a semi-rural Egyptian population. (1991) *American Journal of Clinical Nutrition* 54:657-667.
62. Kao, T-C. and McCabe, G. P. Optimal sample allocation for normal discrimination and logistic regression under stratified sampling. (1991) *Journal of the American Statistical Association* 86: 432-436.
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64. Samuels, M. L., Casella, G. and McCabe, G. P. Rejoinder (to comments on Interpreting blocks and random factors). (1992) *Journal of the American Statistical Association*, 87:594.

65. Falzone, A. M., Peck, G. E. and McCabe, G. P. Effects of changes in roller compactor parameters on granulations produced by compaction. (1992) *Drug Development and Industrial Pharmacy* 18(4):469-489.
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- impact insulin resistance in black and white children. (2016) *Journal of Clinical Endocrinology & Metabolism* 101(4):1710-1718.
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216. Giudici KV, Kindler JM, Martin, BR, Laing EM, McCabe GP, McCabe LD, Hausman DB, Martini LA, Lewis RD, Weaver CM, Peacock M, and Gallant KMH. Associations among osteocalcin, leptin and metabolic health in children aged 9-13 years in the United States (2017) *Nutrition & Metabolism* 14:25 DOI 10.1186/s12986-017-0171-9.
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226. Lawlor MR, Weaver CM, Craig BA, Whiting SJ, Baxter-Jones ADG, Vatanparast H, and McCabe GP. Peak BMC Growth and Calcium Requirements for Children. In: Weaver C., Bischoff-Ferrari H., Daly R., Wong MS. (eds) *Nutritional Influences on Bone Health*. (2019) Springer Nature Switzerland. Doi.org/10.1007/978-3-319-98464-3_4.
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228. Stremke ER, McCabe LD, McCabe GP, Martin BR, Moe SM, Weaver CM, Peacock M, and Hill Gallant KM. Twenty-four-hour urine phosphorus as a biomarker of dietary phosphorus intake and absorption in CKD: a secondary analysis from a diet balance study. (2018) *Journal of the American Society of Nephrology* 13(7):1002-1012 doi 10.2215/CJN.00390118, PMC6032595.
229. Kindler JM, Lobene AJ, Vogel KA, Martin BR, McCabe LD, Peacock M, Warden SJ, McCabe, GP, and Weaver CM. Adiposity, insulin resistance, and bone mass in children and adolescents. (2018) *Journal of Clinical Endocrinology & Metabolism* 104(3):892-899 doi: 10.1210/jc.2018.00353.

Statistical Consulting Service Reports 1971 - 2003

Current Research Funding

Shekhar (PI) NIH Clinical and Translational Sciences Award. The goal of this application is to establish a statewide Institute for enhancing clinical and translational research in Indiana, proposed by Indiana University in partnership with Purdue University and several key community organizations. Role: Co-Investigator, 07/01/13-06/30/18, 5%.

Weaver, Connie (PI) Alliance for Potato Research and Education. The effect of potatoes on potassium retention, acid base balance, and blood pressure reduction in mildly hypertensive men and women. The goal of this research is to assess the effect of potatoes on potassium retention, acid base balance, and blood pressure reduction in mildly hypertensive men and women. Role: Co-Investigator, 11/1/15-3/31/17, 5% for two months.

Weaver, Connie (PI) NIH R01 Berries and bones. The goal of this research is to test the hypothesis that bioactive polyphenol metabolites from blueberries work through modulation of Nrf2 activity to reduce bone loss using mouse, rat, human, and *in vitro* models of menopause-induced and age-related bone loss. Role: Co-Investigator, 09/30/2014 - 08/31/2019, 5% (years 1 & 5).

Weaver, Connie (PI) NIH A DASH-Sodium Trial in Adolescents. The goal of this research is to investigate the effects of diet (usual versus DASH) and sodium reduction (low versus high) on the blood pressure of adolescents in a controlled randomized trial. Role: Co-Investigator, 08/01/2015 - 07/31/2021, 10%

Consulting Experience

Longines Symphonette Society (Capitol Records) - 1970

American United Life Insurance Company - 1970-72

Design and Manufacturing Corporation - 1973-74

Great Lake Chemical Corporation - 1973

Motorola, Inc. - 1974

Federal Energy Administration - 1975

JJJ Statistical Applications, Inc. - 1975-76

Indiana University Medical School - 1977-1982

Hobart Corporation - 1977

National Association of Insurance Commissioners - 1977

American Hospital Association - 1977

General Motors (discrimination cases) - 1977-84

Houghton-Mifflin (discrimination case) - 1979-80

APCOA and ITT (theft case) - 1978-79

Valparaiso School District (discrimination case) - 1979

Boeing (discrimination case) - 1979-80

Michigan State University (discrimination case) - 1980

Merchants National Bank (discrimination statistics) - 1980-81

Oak Ridge National Laboratories - 1980-81

Ridge Company (damage case) - 1982-84

Beech Aircraft (discrimination case) - 1982-83

Food and Drug Administration - 1982-84

Environmental Protection Agency - 1984, 1986

Best Lock Corporation - 1988, 1989
 Boehringer Mannheim Corporation - 1989-91, 1994, 1996
 Ross Gear (TRW) - 1989-90, 1993, 1994, 1996
 GenCorp - 1990
 Cablec Corp, BICC Cables - 1990-91
 US Environmental Protection Agency - 1992
 Deprenyl Animal Health - 1992
 Kraft General Foods - 1992
 Med Institute, Inc - 1993, 1995
 Ameritech Services Inc. (McTurnan and Turner) - 1995-96
 Indiana Bell (Locke, Reynolds, Boyd, and Weisell) - 1995-96
 Eli Lilly - 1996
 Micronutrient Initiative (Canada) - 1996
 Hemocleanse - 1996
 Biocontrol Technology - 1996
 Harry Wilson (cheating issue) - 1996
 Hood Law Firm (Med. Univ. of SC, discrimination case) - 1996
 Stan Lubin (Allied Signal, discrimination case) - 1996
 Schleier Law Offices (Honeywell, discrimination case) - 1996
 Shook, Hardy, Bacon - 1998-1999
 Anthem Insurance Company - 1999
 Cummins Engine Company, Columbus, IN - 1999
 U.S. Department of Justice, Indianapolis, IN - 1999-2000
 International Life Sciences Institute (ILSI) - 1998-2001
 Micronutrient Initiative (Canada) - 1998-2000
 Fifth-Third Bank - 2000
 U.S. Veteran's Administration - 1999-2001
 University of Akron - 2000-2002
 Johns Hopkins University - 2000
 Ice Miller - 2000
 Wurth/Service Inc. - 2000
 Baker Daniels - 2000
 Locke Reynolds LLP - 2001
 Indiana University School of Medicine - 2001
 Klapper Isaac & Parish (Locke Reynolds) - 2001
 Rollins School of Public Health, Emory University - 2001
 Debervoise & Plimpton, Esqs. - 2001
 Hunt Suedhoff Kalamaros, LLP - 2002
 United States Attorney's Office, Northern District of Indiana - 2003-2005
 Emory University - 2004
 Perkins Coie - 2004-2005
 Hoffman Reilly Pozner & Williamson LLP - 2004
 Barnes & Thronburg LLP - 2005-2006
 Ice Miller, LLP - 2006
 Barnes & Thronburg LLP - 2007

Kramer Levin Naftalis & Frankel LLP - 2007
 Faruki Ireland & Cox PLL – 2007-2008
 Texas Education Agency – 2008
 Office of the Indiana Attorney General – 2008-2009
 Shook Hardy & Bacon LLP – 2008-2009
 Walgreens -2009
 Ethicon Endo-Surgery – 2009
 Herrick, Feinstein LLP – 2009-2010
 Carpenter Lipps & Leland – 2010-2015
 DLA Piper U.S. LLP – 2010
 Baker & Daniels LLP – 2010
 Litchfield Cavo, LLP – 2011
 Cherry Tree BSC – 2015
 Hogan Lovells US LLP – 2013
 Kramer Levin Naftalis & Frankel LLP – 2013
 Litchfield Cavo LLP – 2013 - 2015
 Campbell Soup Company – 2014 – 2015
 Oppenheim + Zebrak, LLP – 2015
 Litchfield Cavo LLP – 2016 – 2017
 Decatur County Memorial Hospital – 2017
 Barnes & Thornburg – 2017 – 2018
 Kindred Rehabilitation Services – 2018
 Oppenheim + Zebrak, LLP – 2019

Short Courses

BMDP Seminar (with J.N. Arvesen) - 1976 - New York, N.Y.
 Multivariate Analysis for Forestry Problems - 1980 - U.S. Forest Service, Carbondale, IL
 Equal Employment Opportunity Litigation Seminar sponsored by Equal Employment
 Commission, Indiana University School of Law, Indiana Continuing Legal Education Forum &
 Indiana State Bar Assoc. - 1982 - Indianapolis, IN.
 Mexican National Institute of Public Health (INSP) Summer Program on Public Health and
 Epidemiology, Introduction to Meta Analysis, August 16-20, 2010, course for graduate students
 in nutrition from Latin America, Cuernavaca, Mexico.
 Introductory Course on Biostatistics, June 18-22, 2012, HRB Clinical Research Facility,
 National University of Ireland Galway.
 Introductory Course on Biostatistics, June 4-7, 2013, HRB Clinical Research Facility, National
 University of Ireland Galway.

Talks and Addresses

October 2015 – The power of calcium, joint presentation with Connie Weaver at Purdue
 President Mitch Daniels Faculty Colloquia at Westwood
 August 2014 – The impact of computing on the transition from consulting to collaboration: a
 historical perspective, Joint Statistical Meetings, Boston, MA.
 October 2011 - Assessment of the effectiveness of treatments designed to reduce bone loss:
 design and analysis issues, New Horizons in GI and Liver Cancers Lecture Series, MD Anderson
 Cancer Center, Houston, Texas.

May 2011 – Analysis of data from ^{41}Ca experiments to assess the effectiveness of treatments designed to reduce bone loss, 31st Conference on Applied Statistics in Ireland, Galway, Ireland.

September 2010 - The effect of sub-clinical infection on serum ferritin and serum retinol: two meta-analyses, WHO Nutrition Guidance Expert Advisory Group (NUGAG) Monitoring and Evaluation Subgroup Meeting on Guidelines for the Assessment of Vitamin A and Iron Status in Populations, PAHO, Panama City, Panama.

August 2008 - Ethics and the Introductory Statistics Course, Joint Statistical Meetings, Denver, Colorado.

July 2007 - The future of pro-bono statistics, discussion, Joint Statistical Meetings, Salt Lake City, Utah.

July 2007 - The ethical use of statistics in research, Joint Statistical Meetings, Salt Lake City, Utah.

October 2007 - Meta analysis, Food & Nutrition Conference & Expo, American Dietetic Association, Philadelphia, Pennsylvania.

May 2005 - Montgomery Lecture Series Scholar, The Culver Academies, Culver, Indiana.

August 2004 - Statistical Consulting within the University, Joint Statistical Meetings, Toronto, Canada.

April 2004 - Panel Discussion of the IOM report on the Use of Dietary Reference Intakes in Nutrition Labeling, Washington DC.

February 2004 - Analysis of ^{41}Ca data, Conference on ^{41}Ca -Calcium in bone research, Zurich, Switzerland.

December 2002 - Uses and abuses of statistics in litigation in the US, National University of Ireland, Limerick.

November 2002 - Uses and abuses of statistics in litigation in the US, Trinity College, Dublin.

October 2002 - Uses and abuses of statistics in litigation in the US, National University of Ireland, Galway.

October 2002 - Workshop on Meta Analysis: Statistical Methods for Combining Data from Different Studies, National University of Ireland, Galway.

March 2001 - Some statistical problems related to vitamin A deficiency and anemia in developing countries, Celebration of the Creation of the Department of Statistics, Western Michigan University, Kalamazoo, MI.

November 2000 - Vitamin A and morbidity of young children, 17th Annual Ohio Statistics Conference, The University of Akron, Akron, OH.

March 1999 - The home court advantage in Big 10 basketball, Arizona State University Statistics Week, Tempe, AZ.

November 1998 - Examples of consulting success, 13th Annual Mathematical Sciences Department Chairs Colloquium, Washington, DC.

June 1998 - Models for relating calcium intake and retention with varying numbers of observations per subject, Nutrition and Statistics Workshop, Purdue University, West Lafayette, IN.

March 1997 - Discussant for session on statistical consulting in the University, Joint Biometric Society (ENAR), IMS and ASA Meetings, Memphis, TN.

October 1996 - Statistical consulting: soft and hard skills, 1996 Lilly Global Statistics Conference, Indianapolis, IN

August 1996 - Logistic regression: an introduction. Consultants Forum, Joint Statistical Meetings, Chicago, IL.

January 1996 - Assessing the use of technology in mathematics education: statistical issues, Joint Winter Meetings of the American Mathematical Society and the Mathematical Association of America, Orlando, FL.

October 1995 - Vitamin A and young child mortality, Chicago Chapter of the American Statistical Association, Chicago, IL.

March 1995 - A statistical analysis of the relationship between Vitamin A and young children mortality, University of Colorado at Denver, Denver, CO.

June 1995 - Residuals can appear to be more normal than normals, Multiple Decision Theory and related topics; A conference in honor of Shanti S. Gupta, Purdue University.

May 1995 - The home court advantage in Big 10 basketball, Colorado-Wyoming Chapter of the American Statistical Association, Boulder, CO.

May 1995 - Vitamin A and young child mortality, Colorado State University, Fort Collins, CO.

August 1995 - Power as a function of reliability (with Marcey L. Abate), Joint Statistical Meetings, Orlando, FL.

December 1993 - Vitamin A and young child mortality, Biostatistics Department, Indiana University School of Medicine, Indianapolis, IN.

August 1993 - The home court advantage in Big 10 basketball, Joint Statistical Meetings, San Francisco, CA.

May 1993 - Empirical Bayes and meta analysis: a case study, First Multinational Conference on Bayesian Econometrics and Statistics, Basel to Amsterdam.

January 1993 - A statistical analysis of the relationship between vitamin A and young child mortality, Purdue University, W. Lafayette, IN.

June 1992 - Selection of factors and levels in the design of experiments, First Great Lakes Symposium on Experimental Design: Industrial and Clinical, Kalamazoo, MI.

December 1991 - The home court advantage in Big Ten basketball, Calvin College, Grand Rapids, MI.

February 1991 - Design of experiments: principles and a case study, Lafayette Section of the American Society for Quality Control.

April 1990 - Are blocks different from random factors?, Michigan State University, East Lansing, MI.

April 1990 - Design and analysis of complex experimental designs: a case study, MidMichigan Chapter of the American Statistical Association.

October 1989 - Interpretation of the analysis of complex experimental designs: a case study. American Mathematics Society Special Session on Probability and Statistics, Ball State University, Muncie, IN.

March 1989 - Statistical Consulting at Purdue, Indiana University, Bloomington, IN.

January 1989 - Assessing salary equity with regression analysis, 1989 American Statistical Association Winter Conference, San Diego, CA.

December 1988 - Selection of variables for multivariate quality control, Indianapolis Section of the American Society for Quality Control, Indianapolis, IN.

March 1988 - Analysis of the Egypt CRSP data, Nutrition Institute, Cairo, Egypt.

November 1986 - The art of designing experiments, Conference in Honor of the Retirement of Professor Virgil L. Anderson, Purdue University, W. Lafayette, IN.

August 1986 - Uses of principal variables, American Statistical Association Annual Meetings, Chicago, IL.

April 1986 - Probability and Statistics, Reliability-Based Wood Design Symposium, Purdue University, W. Lafayette, IN.

May 1985 - Analysis of a large messy data set: a case study, University of Tromso, Tromso, Norway.

May 1985 - Principal variables, University of Umea, Umea, Sweden.

May 1985 - Variable selection methods in statistics, University of Umea, Umea, Sweden.

May 1985 - Principal variables, CIBA/GEIGY, Basel, Switzerland.

April 1985 - Analysis of a large messy data set: a case study, University of Berne, Berne, Switzerland.

April 1985 - Principal variables, University of Berne, Berne, Switzerland.

April 1985 - Principal variables, National University of Singapore, Singapore.

March 1985 - Statistical procedures for Production Compliance Audits, Statistical society of Australia, Western Australia Branch, Nedlands, WA, Australia.

March 1985 - Variable selection methods in statistics, University of Western Australia, Nedlands, WA, Australia.

March 1985 - Principal Variables, University of Melbourne, Melbourne, VIC, Australia.

March 1985 - Principal variables, University of Wollongong, Wollongong, NSW, Australia.

March 1985 - Principal variables, University of Queensland, St. Lucia, QLD, Australia.

February 1985 - Analysis of a large messy data set: a case study, CSIRO and Monash University, Clayton, VIC, Australia.

August 1983 - Principal variables, University College, Cork, Ireland.

October 1982 - Analysis of a medical data set, Cincinnati ASA Chapter, Cincinnati, OH.

August 1982 - Principal variables: alternatives to principal components, Joint Statistical Meetings, Cincinnati, OH.

February 1982 - Principal variables: alternatives to principal components, ASA Chapter Meeting, Kalamazoo, MI.

February 1982 - Analysis of a medical experiment, University of Western Michigan, Kalamazoo, MI.

November 1981 - Principal variables: alternatives to principal components, Ohio State University, Columbus, Ohio.

November 1981 - Statistical analysis of a medical experiment, Cornell University.

November 1981 - Principal variables: alternatives to principal components, Cornell University, Ithaca, NY.

October 1981 - Statistical analysis of a complex data set, UWA.

October 1981 - Statistical consulting, Western Australian Institute of Technology, Perth, Western Australia.

October 1981 - Alternatives to principal components: single population variable selection, UWA.

October 1981 - Statistics in the courtroom: uses of statistics in legal settings, University of Western Australia, Perth, Western Australia.

November 1981 - Principal variables: alternatives to principal components, Cornell University, Ithaca, NY.

November 1980 - The role of statistical consulting in graduate training, Conference on Teaching of Statistics and Statistical Consulting - Ohio State University.

October 1980 - The 27% rule, Michigan State University, East Lansing, MI.

October 1979 - The 27% rule and experimental design, Purdue University, West Lafayette, Indiana.

August 1979 - The interpretation of regression analysis results in sex and race discrimination problems, Joint Statistical Meetings, Washington, D.C.

August 1978 - Variable selection in discriminant analysis with unequal covariance matrices. COMPSTAT - the Third Symposium on Computational Statistics, Leiden, The Netherlands.

August 1978 - Use of the 27% rule in experimental design. Joint Statistical Meetings, San Diego, California.

April 1978 - "Statistical Testimony in Title VII Class Action Suits", General Motors Conference on Statistical Defense of Title VII Class Action Suits, Detroit, Michigan.

March 1978 - "Use of the twenty-seven percent rule in experiment design", McGill University, Montreal, Quebec.

February 1978 - "Uses of statistics in discrimination problems," Manchester College, North Manchester, Indiana.

February 1978 - "The twenty-seven percent rule," University of Wisconsin, Madison, Wisconsin.

August 1977 - "Evaluation of regression coefficient estimates using alpha-acceptability," Joint Statistical Meetings, Chicago, Illinois.

May 1977 - "A framework for evaluating alternatives to least squares regression coefficient estimates," Pennsylvania State University, State College, Pennsylvania.

April 1977 - "Acceptance levels for regression estimates," University of Delaware, Newark, Delaware.

November 1976 - "Evaluation of Regression Coefficient Estimates," Columbia University, New York, New York.

October 1976 - "Confidence procedures in regression analysis," Princeton University, Princeton, New Jersey.

September 1976 - "A confidence set approach to variable selection problems in regression analysis," Rutgers University, New Brunswick, New Jersey.

August 1976 - "Sex discrimination in faculty salaries: a method for detection and correction," American Statistical Association Meetings, Boston, Massachusetts.

July 1975 - "Selecting variables for regression analysis," Bell Telephone Laboratories, Holmdel, New Jersey.

April 1975 - "Some problems in the selection of variables in regression analysis," University of Wisconsin.

March 1975 - "Discrete bivariate data with censoring of one variate: tests for randomness with application to dendritic trees," invited address, Central Regional Meeting, Institute of Mathematical Statistics, St. Paul, Minnesota.

February 1975 - "Selection of regression variables: methods using cost criteria," invited address, Eighth Symposium on Computer Science and Statistics, Los Angeles, California.

February 1975 - "Some problems in selecting variables for regression analysis," Purdue University.

December 1973 - "Subset selection of regression variables using cost criteria," Joint Statistical Meetings, New York, New York.

August 1972 - "Estimation of the number of terms in a sum," Joint Statistical Meetings, Montreal, Canada.

October 1971 - "Estimation of the number of terms in a sum," Purdue University.

August 1971 - "Estimating the number of terms in a sum," Clemson University Symposium on Cluster Analysis and Pattern Recognition, Clemson, South Carolina.

March 1971 - "Reliability of computer programs used in regression analysis," invited address, Central Indiana Chapter, American Statistical Association, Indiana University Medical Center, Indianapolis, Indiana.

August 1970 - "Estimation of a Poisson integer mean," Meeting of the Institute of Mathematical Statistics, Laramie, Wyoming.

May 1970 - "Some problems in sequential discrimination," Columbia University, New York, New York.

February 1970 - "Estimation of integer means for exponential families," Purdue University, West Lafayette, Indiana.

APPENDIX 2 – DATA SOURCES

Notice Data (Plaintiffs_00286430)

File Name:

[REDACTED]

Description:

[REDACTED] (These data were also produced in an Excel file as Plaintiffs_00286280).

Variables:

[REDACTED]

Subscriber ID Data (COX_SONY_00515540)

File Name:

[REDACTED]

Description:

[REDACTED] and December 1, 2014.

Variables:

[REDACTED]

Audible Magic Data (Plaintiffs_00286431)

File Name:

[REDACTED]

Description:

[REDACTED] (These data were also produced in an Excel file as Plaintiffs_00286281, but without the metadata included in Plaintiffs'00286431.)

Variables:

[REDACTED]

[REDACTED]

Download Data (Plaintiffs_00286432)

File Name: [REDACTED]

Description: [REDACTED]

Variables: [REDACTED]

Ticket Action Data (COX_SONY_00515539)

File Name: [REDACTED]

Description: [REDACTED]

Variables: [REDACTED]

Sound Recordings List (Plaintiffs_00288954)

File Name: Exhibit A (2d Amendment).xlsx

Description: An Excel worksheet with 7057 records for sound recordings Plaintiffs allege were infringed during the claim period by repeat copyright infringers.

Variables: (Not Labeled) ID
Artist
Track
Plaintiff
Reg. No.

Compositions List (Plaintiffs_00288953)

File Name: Exhibit B (2d Amendment).xlsx

Description: An Excel worksheet with 3421 records for compositions Plaintiffs allege were infringed during the claim period by repeat copyright infringers.

Variables: (Not Labeled) ID
Track
Reg No.
Plaintiff

Cox Billing Data (COX SONY 00973764 - COX SONY 00973767)

File Name: [REDACTED]

Description: [REDACTED]

Variables: [REDACTED]

[REDACTED]

APPENDIX 3 - METHODOLOGY

1. I conducted my analysis using SAS, a software suite for advanced analytics and data management. Broadly speaking, I used SAS to integrate, subset, and analyze the various data sources. Below, I present an outline of the steps I took in my analysis.

Linking Cox Subscriber IDs to Plaintiffs' Notice Data

2. To support Plaintiffs' claim that Cox's subscribers infringed each of the Works in Suit after Plaintiffs sent at least two notices, it is necessary to know which records in the Notice Data⁴ apply to which subscribers. Because Cox provided Subscriber ID Data corresponding to Plaintiffs' notices, the first step of my analysis was to link these two data sources.

3. [REDACTED]

4. [REDACTED]

5. [REDACTED]

[REDACTED]

6. [REDACTED]

7. [REDACTED]

⁴ For clarity, data sets are underlined, and variables italicized.

⁵ The field included is the email subject line for the notices sent by Plaintiffs. All of the email subject lines start with "Copyright Infringement - Notice ID #" followed by Plaintiffs' Notice ID number.

8. [REDACTED]

9. [REDACTED]

[REDACTED]

10. [REDACTED]

11. [REDACTED]

[REDACTED]

12. [REDACTED]

13. [REDACTED]

14. [REDACTED]

15. [REDACTED]

[REDACTED]

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

19. [REDACTED]

20. [REDACTED]

21. [REDACTED]

22. [REDACTED]

23. [REDACTED]

- a. [REDACTED]
- b. [REDACTED]
- [REDACTED]
24. [REDACTED]
25. [REDACTED]
26. [REDACTED]
27. [REDACTED]
28. [REDACTED]
- [REDACTED]
29. [REDACTED]
30. [REDACTED]

